

Marc J. Randazza, CA Bar No. 269535  
Alex J. Shepard, CA Bar No. 295058  
RANDAZZA LEGAL GROUP, PLLC  
2764 Lake Sahara Drive, Suite 109  
Las Vegas, Nevada 89117  
Telephone: 702-420-2001  
ecf@randazza.com

*Attorneys for Defendants,  
Infowars, LLC and Free Speech Systems, LLC*

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MATT FURIE,

Plaintiff,

vs.

INFOWARS, LLC; FREE SPEECH  
SYSTEMS, LLC,

Defendants.

Case No. 2:18-cv-01830-MWF-JPR

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
DEFENDANTS INFOWARS, LLC  
AND FREE SPEECH SYSTEMS,  
LLC'S CONSENTED TO MOTION  
TO MODIFY SCHEDULING  
ORDER**

Date: April 15, 2019

Time: 10:00 a.m.

Hon. Michael W. Fitzgerald

Case Filed: March 5, 2018

Trial Date: July 16, 2019

## 1.0 INTRODUCTION AND FACTUAL BACKGROUND

Defendants Infowars, LLC (“Infowars”) and Free Speech Systems, LLC (“FSS”) request that the Court modify the case’s existing Scheduling Order, specifically by moving the last day to hear motions forward by 1 week, to May 6, 2019. On September 12, 2018, the Court entered a scheduling order setting the last day to hear motions as April 8, 2019. (Doc. No. 64 at 2.) On February 7, 2019, the Court granted in part Defendants’ Motion to Modify Scheduling Order and changed the last day to hear motions to April 29, 2019. (Doc. No. 77 at 7.) Since the Court entered this Scheduling Order, discovery has continued and both Plaintiff and Defendants plan to file cross-motions for summary judgment. Counsel for Plaintiff has significant travel scheduled that will make it difficult for Plaintiff to prepare a Motion for Summary Judgment in time for the motion to be heard on April 22, 2019. Lead counsel for Defendants has personal obligations that would make it burdensome for lead counsel to appear at a hearing on April 29, 2018.

After counsel for the parties conferred regarding this motion, Plaintiff’s counsel informed Defendants’ counsel on March 15, 2019, that Plaintiff consents to the requested relief.

## 2.0 ARGUMENT

Fed. R. Civ. P. 16(b)(4) provides that “[a] schedul[ing order] may be modified only for good cause and with the judge’s consent.” “Good cause” requires a showing of “diligence [on the part] of the party seeking [to modify the scheduling order].” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). “The pretrial

1 schedule may be modified if it cannot reasonably be met despite the diligence of the  
 2 party seeking the extension . . . .” (*Zivkovic v. Southern California Edison Co.*, 302 F.3d  
 3 1080, 1087 (9th Cir. 2002)).

4 As the parties approach the conclusion of discovery, all parties have  
 5 determined they will file cross-motions for summary judgment. Due to the schedules  
 6 of counsel for all parties, it is in the parties’ best interest to have the last day to hear  
 7 motions moved forward by 1 week to May 6, 2019. All parties consent to this relief  
 8 and, in order to allow the case to be fully decided on its merits and narrow any issues  
 9 that may remain for trial or eliminate the need for a trial altogether, the court should  
 10 modify the scheduling order as requested.

### 11 **3.0 CONCLUSION**

12 For the foregoing reasons, the Court should modify the Scheduling Order and  
 13 extend the last day to hear motions by 1 week to May 6, 2019.

14  
 15 Dated: March 18, 2019

Respectfully submitted,

16 RANDAZZA LEGAL GROUP, PLLC

17 /s/ Marc J. Randazza

18 Marc J. Randazza

Alex J. Shepard

19 2764 Lake Sahara Drive, Suite 109

20 Las Vegas, NV 89117

21 *Attorneys for Defendants,*

22 *Infowars, LLC and*

*Free Speech Systems, LLC*

Case No. 2:18-cv-01830-MWF-JPR

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 18, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notice of Electronic Filing generated by CM/ECF.

Respectfully submitted,

s/ 

Employee,  
Randazza Legal Group, PLLC